

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERTA LUDWIG,

Plaintiff,

-against-

MARIANNE TASKER and DAVID TASKER,

Defendants.  
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MARIANNE TASKER and DAVID TASKER,

Third-Party Plaintiffs,

-against-

WILLIAM LUDWIG,

Third-Party Defendant.  
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**REPLY TO**  
**COUNTERCLAIM**

Case #2:19-CV-03870

Jury Trial Demanded

Defendants-Third-Party Plaintiffs, MARIANNE TASKER and DAVID TASKER, by their attorneys, BRUNO, GERBINO, SORIANO & AITKEN, LLP, state upon information and belief as and for their Reply to the counterclaim of Third-Party Defendant, WILLIAM LUDWIG, as follows:

FIRST: Defendants-Third-Party Plaintiffs, MARIANNE TASKER and DAVID TASKER, admit that MARIANNE TASKER received a security deposit from or on behalf of WILLIAM LUDWIG. They deny that any security deposit refund is due and owed to WILLIAM LUDWIG. They further deny the remaining allegations of the Counterclaim.

SECOND: MARIANNE TASKER and DAVID TASKER deny that any security deposit refund is due and owed to WILLIAM LUDWIG, as alleged in LUDWIG's counterclaim.

THIRD: MARIANNE TASKER and DAVID TASKER deny the remaining allegations stated in LUDWIG's counterclaim.

FOURTH: MARIANNE TASKER and DAVID TASKER deny that there exists any legal basis for LUDWIG to claim costs and fees related to his defense of the Third-Party Complaint as stated in LUDWIG's counterclaim.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

FIFTH: Any damages awardable to WILLIAM LUDWIG for alleged failure to refund his security deposit must be awarded as a separate judgment and not as an offset to damages in contribution awarded to MARIANNE TASKER and DAVID TASKER against WILLIAM LUDWIG in contribution for any damages awarded against the TASKERS in favor of the Plaintiff.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

SIXTH: That WILLIAM LUDWIG's claim for the return of his security deposit cannot be maintained as against DAVID TASKER inasmuch as no privity of contract exists as between WILLIAM LUDWIG and DAVID TASKER.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

SEVENTH: That WILLIAM LUDWIG's counterclaim against MARIANNE TASKER and DAVID TASKER fails to state a claim for which relief can be granted.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

EIGHTH: That WILLIAM LUDWIG's counterclaim against MARIANNE TASKER and DAVID TASKER seeking costs and fees related to WILLIAM LUDWIG's defense against the Third-Party Complaint has no basis in law, as there is no contract or statute which provides WILLIAM LUDWIG the right to recover such damages.

WHEREFORE, defendant demands judgment dismissing the Third-Party Defendant's counterclaim, together with the costs and disbursements of this action.

Dated: Melville, New York  
May 20, 2020

Yours, etc.,

BRUNO, GERBINO, SORIANO &  
AITKEN, LLP.

By: /Shaun M. Malone/  
Shaun M. Malone (SM1543)  
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TO: All Parties via ECF Filing